

REMARKS

The drawings , specification and claims have been carefully reviewed in the light of the Examiner's action.

Drawingg corrections have been made in Fig. 1 , Fig. 5 and Fig. 7 and highlighted in red ink per the Examiner's request. The specification was corrected per the Examiner's request for a minor error. Applicant agrees with the Examiner' correction on page 23 , line 5. No new matter has been added.

Before taking up the claims in detail , attention will be given to the prior art patents cited by the Examiner.

Item 7.

The Examiner rejected claim 10 based on obviousness 35 USC SEC. 103 by combining prior art patents to West and Minami et al.

Applicant agrees with the Examiner , that West in U.S. patent # 5,462,021 discloses an electric hybrid vehicle , which is using a polluting gasoline engine with generators and a battery powering an electric motor to propel the vehicle ; and that Minami at al. in U.S. patent # 5,462,021 discloses a hydrogen gas supply system for a hydrogen engine.

However , West does not suggest that his vehicle is fueled by non-polluting hydrogen , and Minami does not suggest an electric hybrid vehicle with a battery , generator and electric motor , but rather only a hydrogen storage alloy and heating medium system. Minami also does not describe the open to air internal combustion engine of applicant.

Furthermore , Minami does not even remotely suggest that short range of his system , due to the well known (at the time of the applicant's invention) weight limitation of the

hydrogen storage alloy , can be overcome by an electric hybrid configuration ,as described in the applicant's specification on page 21, lines 17-26. Applicant's hydrogen electric hybrid vehicle, as described , makes the vehicle competitive in the range with polluting conventional gasoline-only vehicles , but is non-polluting.

Additionally , Minami's invention date is March 10, 1993 and applicant's invention date is January 12, 1993.

Applicant believes , that the Examiner's combination of references is improper , and is not supported by prior invention date. Moreover , applicant does not believe that his invention as claimed in claim 10 is obvious , because nothing in the references cited by the examiner even remotely suggests the system of applicant. Applicant is the first to teach a novel and unobvious , long range and non-polluting hydrogen electric hybrid vehicle . The Examiner's combination of references does not meet the Applicable Court Standards , as described in the prior Amendment dated Oct. 12, 1999 , pages 15-16. In combining references , the Examiner did not and could not :

1. Find any suggestion of the desirability of the proposed combination ;
2. Find any suggestion for combining the references in the references themselves ;
3. Find any suggestion for combining the references taken as a whole of the structures claimed ;
4. Find the actual structures as claimed and employed to achieve a new and unexpected result.

Item 8.

The Examiner rejected claims 11 and 12 as being unpatentable over the prior art U.S. patent of West , and additionally over Munday (U.S. 5,143,125).

Applicant believes that claim 11 is patentable as was discussed for claim 10 , and additionally over the patent to Munday on the grounds , that none of them even remotely suggests the combination or system of applicant , as claimed in claim 11 , or even that they can be selectively combined.

As the Examiner stated , West fails to teach an engine being fueled by hydrogen obtained from an electrolysis device , which is electrically connected to the generator and battery. Munday describes an electrolysis apparatus for fueling an engine , but does not teach an electric hybrid vehicle. West does not have the electrolysis device , and Munday does not have the electric generator , battery and electric motor, and furthermore Munday does not even provide any information about the source of electricity for his apparatus.

Applicant believes that the Examiner's combination of references to reject the claim 11 does not meet the Applicable Court Standards , as described in the prior Amendment dated Oct. 12 , 1999, pages 15-16. In combining the references , the Examiner did not and could not :

1. Find any suggestion of desirability of the proposed combination ;
2. Find any suggestion for combining the references in the references themselves ;
3. Find any suggestion in the references taken as a whole of the structure claimed ;
4. Find the actual structure as claimed and employed to achieve a new and unexpected result.

Applicant believes that claim 12 is patentable as discussed for claims 10 and 11 , and additionally over the patent of Munday on the grounds , that none of them even remotely suggests the combination or system of applicant , as claimed in claim 12 , or even that they can be selectively combined. West fails to teach an engine being fueled by hydrogen from any source. Munday fails to teach a hybrid electric vehicle , and does not provide any information about the source of electricity for his electrolysis apparatus.

Furthermore , Munday does not disclose the separate hydrogen storage for supplying hydrogen to the hydrogen electric hybrid system of applicant , in parallel with the electrolysis apparatus , as described in applicant's specification on page 22 , lines 9-12 , and as claimed in the claim 12.

Applicant believes that the Examiner's combination of references to reject the claim 12 , does not meet the Applicable Court Standards , as described in the prior Amendment dated Oct. 12, 1999 , pages 15-16.

In combining references , the Examiner did not and could not :

1. Find any suggestion of desirability of the proposed combination ;
2. Find any suggestion for combining the references in the references themselves ;
3. Find any suggestion in the references taken as a whole of the structure claimed ;
4. Find the actual structure as claimed and employed to achieve a new and unexpected result.

Item 10.

In response to the Examiner's arguments that a conclusion of obviousness may be made from "common knowledge" and "common sense" which is not beyond skill of the

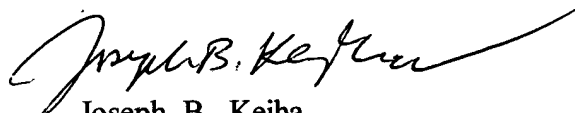
ordinary artisan , it should be realized that with hindsight most of inventions look "obvious" , after they are disclosed. Any known device can be selectively connected with any known device , but to select the right combination and create an original , desirable feature which overcomes prior art shortcomings , requires vision , imagination and inventiveness. At no point in the Examiner's references is an electric hybrid vehicle mentioned , which is fueled by hydrogen. Applicant does not claim the generator as a breaking force. The Examiner's hindsight reasoning is merely an invitation to experiment.

Applicant's three inventions as claimed do not provide only clean emissions , as noted by the Examiner , but they also overcome the well known short range of the hydrogen fueled , combustion-only vehicles, which is the main obstacle preventing their widespread use. Applicant's three inventions as claimed can not be found on the record, as proposed , suggested , or reduced to practice , before the time of the applicant's invention on January 12, 1993.

It is believed that the claims define new and unobvious subject matter.

Accordingly it is believed that the amendment places the application in condition for allowance and such action is requested and urged.

Respectfully submitted ,


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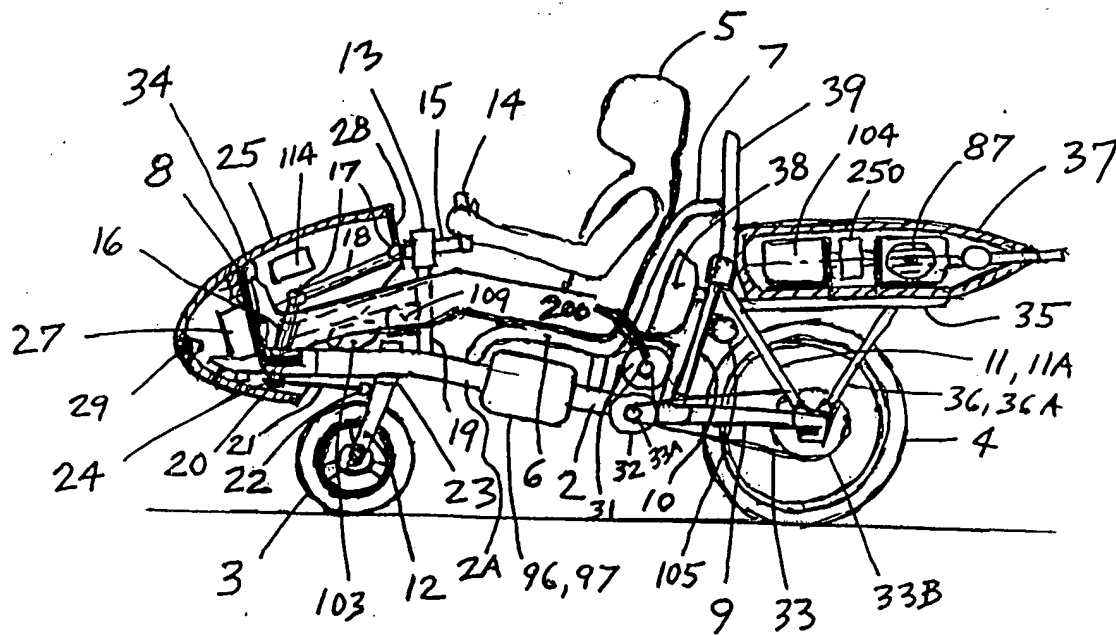


FIG. 1

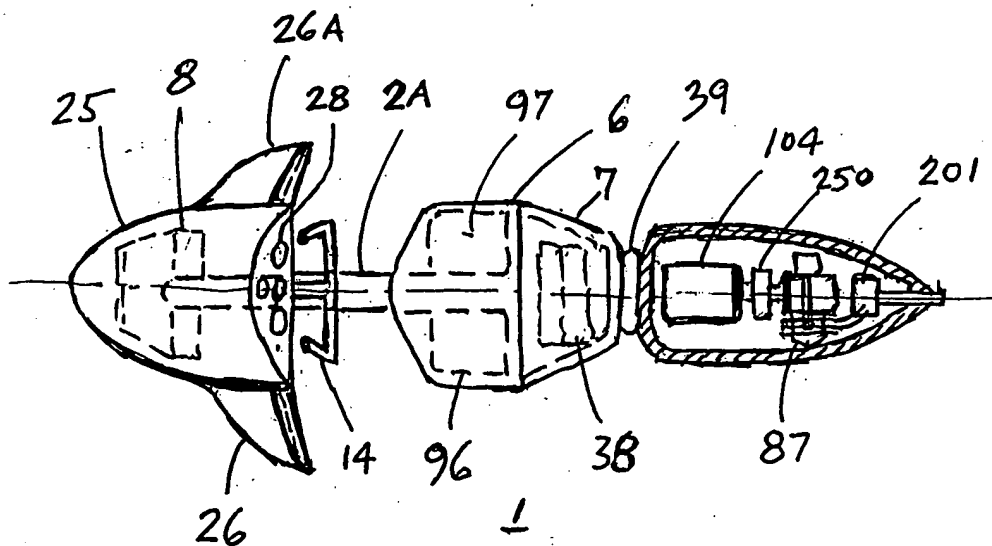


FIG. 2

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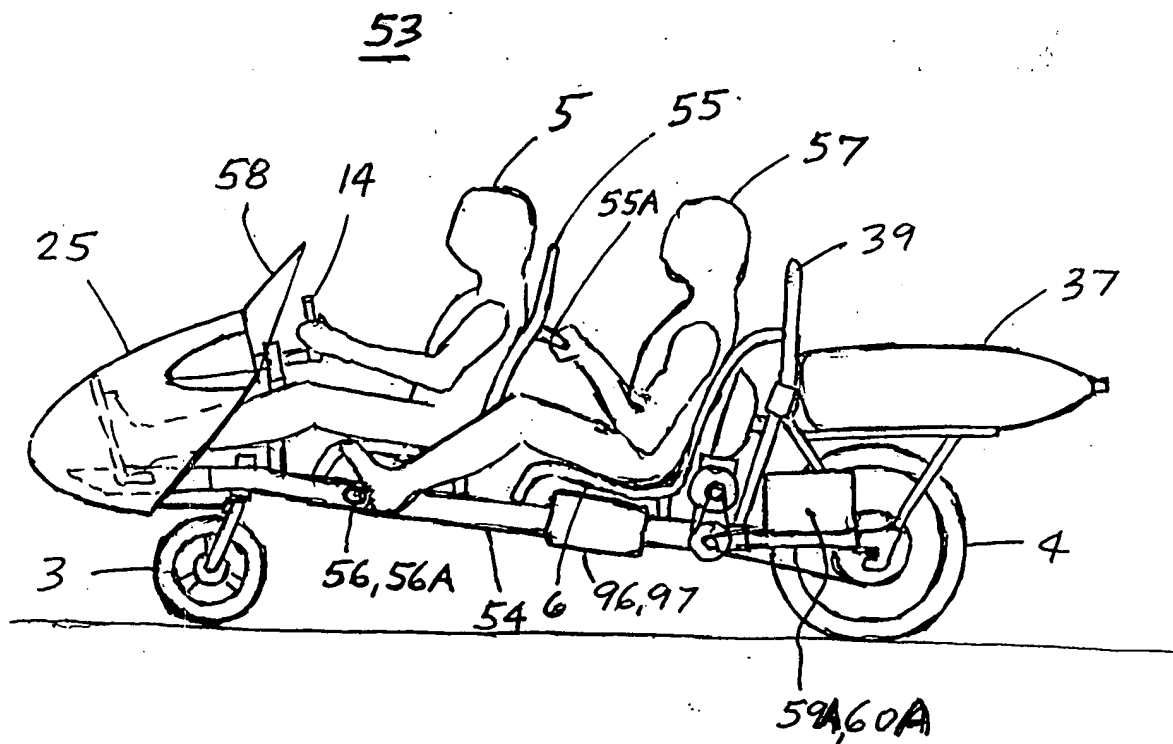
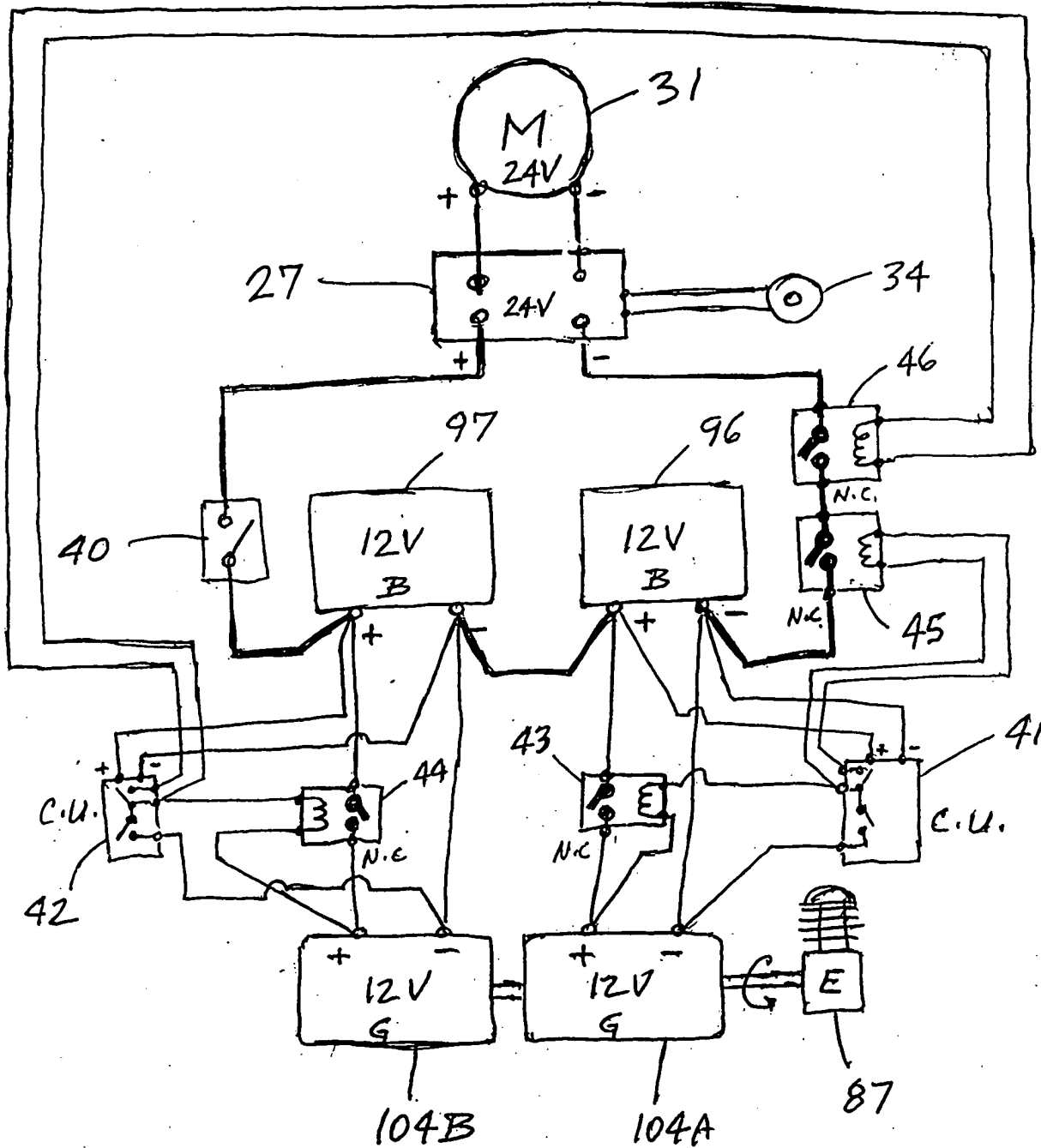


FIG. 5

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FIG. 7